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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,304	12/04/2003	Kenji Kitabatake	1232-5219	2188
27123	7590	07/01/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,304

Applicant(s)

KITABATAKE ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/7/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The references cited on PTO 1449 have been considered.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 5-6 are rejected under 35 USC 102 (b) as being anticipated by Onozato (US Pat. 5,250,957).

Onozato discloses in Figure 4 an ink tank comprising:

- an ink containing portion (10) for containing ink;
- an ink lead-out portion (16, 17) for leading out ink in said ink containing portion (10) to the outside;
- an electrode inlet portion (24) for inletting an electrode (25) into said ink containing portion (10), said electrode inlet portion (24) being different from said ink lead-out portion (16, 17),

wherein said ink lead-out portion and said electrode inlet portion are connected through a conductive member (14, 23, 27, 29);

- a conductive ink lead-out member (12) to be inserted into said ink lead-out portion (16, 17);
- an electrode (25) to be inserted into said electrode inlet portion (24);
- a circuit portion (27, 29) for applying voltage between said ink lead-out member (12) and said electrode (25) and for measuring an electric current in a route; wherein the electric current measured by said circuit portion changes in accordance with the presence and absence of ink in said ink tank, and the attachment and detachment of ink tank to and from said ink jet printer; and
- wherein said ink lead-out member (12) is a hollow needle-type metallic member.

Claims 1-3 are rejected under 35 USC 102 (a) as being anticipated by Siemens AG (DE Pat. GM 80 23 471).

Siemens AG discloses in Figures 3- 4 an ink tank comprising:

- an ink containing portion (2) for containing ink;
- an ink lead-out portion (6) for leading out ink in said ink containing portion (2) to the outside;
- an electrode inlet portion (11) for inletting an electrode (7) into said ink containing portion (2), said electrode inlet portion (11) being different from said ink lead-out portion (6), wherein said ink lead-out portion and said electrode inlet portion are connected through a conductive member (8) (Figure 3);
- wherein said conductive member (8) is a film having conductive substance coated therefor (Figure 3); and
- wherein said ink lead-out portion (6) and said electrode inlet portion (11) are substantially sealed by said film.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's


disclosure. The prior art reference (US Pat. 6,102,517; US Pat. 5,997,121) cited in the PTO 892 form show an ink cartridge that is deemed to be relevant to the present invention. These references should be reviewed.

Allowable Subject Matter

Claim 4 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims would be allowable because none of the prior art references of record discloses an ink tank comprising an ink lead-out portion and an electrode inlet portion, an ink absorbing member that are arranged to be in contact with a conductive film but not directly in contact with ink in an ink containing portion in the combination as claimed

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 8:00 A.M. to 6:00 P.M.. The fax number of this Group 2861 is (703) 872-9306.


ANH T.N. VO
PRIMARY EXAMINER
June 29, 2005